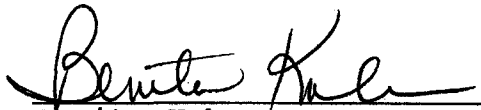


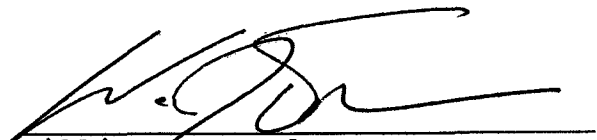
BEFORE THE OHIO OIL AND GAS BOARD OF REVIEW

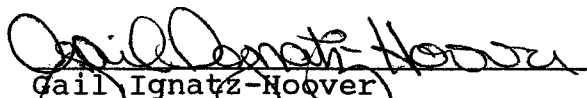
A & H, INC., :  
Appellant. : Appeal No. 500  
v. : Chief's Order No. 92-71.  
DONALD L. MASON, CHIEF :  
DIVISION OF OIL AND GAS :  
Appellee. :

ORDER


Having read and considered the Joint Motion for Consent  
Decision filed by Appellant and Appellee, the Board HEREBY  
DISMISSES Appeal No. 500 with prejudice.

  
Benita Kahn

  
William J. Taylor

  
Gail Ignatz-Hoover

\_\_\_\_\_  
James H. Cameron

  
John A. Gray

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was served on Todd Hefter, A & H, Inc., P.O. Box 4269, Clearwater, FL 24618 and Ray Studer, Assistant Attorney General, Division of Oil and Gas, Environmental Enforcement Section, 4435 Fountain Square, Building A, Columbus, Ohio 43224 by regular U.S. Mail, postage prepaid this 16<sup>th</sup> day of May, 1994.

  
Benita Kahn

BEFORE THE OIL AND GAS BOARD OF REVIEW

STATE OF OHIO

OIL AND GAS BOARD  
OF REVIEW

MAY 07 1994

A & H, INC.

Appellant,

v.

RICHARD SIMMERS, Acting Chief  
Division of Oil and Gas  
Ohio Dept. of Natural  
Resources,

Appellee.

APPEAL NO. 500

REVIEW OF CHIEF'S ORDER  
NO. 92-71

JOINT MOTION FOR CONSENT DECISION

Now come the parties to the above action with their Joint Motion and respectfully request this Board to adopt the following Consent Decision and dismiss the instant appeal with prejudice.

**WHEREAS:**

A. Appellant A & H, Inc. is a "person" as that term is defined in R.C. 1509.01(T) and R.C. 1.59 and an "owner" as that term is defined in R.C. 1509.01(K) of the following wells:

<u>County</u>	<u>Township</u>	<u>Lease Name &amp; Well No.</u>	<u>Permit No.</u>
Washington	Liberty	Stegner #1	38-A-1
Washington	Liberty	Stegner #2	38-A-2
Washington	Liberty	Stegner #3	38-A-3
Washington	Liberty	Stegner #8	38-A-8
Washington	Liberty	Gruber #1	35-A-1
Washington	Liberty	Gruber #2	35-A-2
Washington	Liberty	Gruber #3	35-A-3
Washington	Liberty	Miller #11	37-A-11
Washington	Liberty	Miller #12	37-A-12
Washington	Liberty	Burton #1	34-A-1
Washington	Liberty	Burton #5	34-A-5
Washington	Liberty	Burton #6	34-A-6
Washington	Liberty	Burton #8	34-A-8
Noble	Elk	Parks #2	915-A-2
Noble	Elk	Parks #3	915-A-3

B. On February 24, 1992 Chief's Order 92-71 was issued to appellant A & H, Inc. requiring that all of the wells listed in paragraph A above be properly plugged and abandoned within 30 days of receipt of Chief's Order 92-71 because said wells had been found to be incapable of producing oil and/or gas in commercial quantities.

C. Appellant A & H, Inc. filed an appeal of Chief's Order No. 92-71 with the Oil and Gas Board of Review pursuant to R.C. 1509.36.

D. The four wells referenced in paragraph A above as being located on the Burton lease and the two referenced wells located on the Parks lease are presently capable of producing oil and/or gas in commercial quantities.

E. A & H, Inc. is presently in violation of the bonding requirements set forth in R.C. 1509.07.

F. The nine remaining wells referenced in paragraph A above and located on the Stegner, Gruber and Miller leases are presently incapable of producing oil and/or gas in commercial quantities.

G. An agreement has been reached between the parties to this appeal which disposes of the need for a hearing of this matter.

**NOW THEREFORE**, in settlement of this matter, the parties hereby agree to all of the following:

1. Appellant A & H, Inc. consents to the entry of this Consent Decision and waives any objection or further right to appeal it may have with respect to this appeal for the purpose of settling the claims alleged in the appeal.

2. The provisions of this Consent Decision shall apply to and be binding upon the signatories hereto, their agents, officers, employees, assignees, heirs, and successors in interest.

3. Appellant A & H, Inc. agrees to either commercially produce or properly plug and abandon the nine wells referenced in Paragraph A above as being located on the Stegner, Gruber and Miller Leases on or before May 1, 1996. In either event all work at the wellsites shall be done in an orderly and workmanlike manner and in accordance with the requirements of R.C. Chapter 1509 and Ohio Administrative Code Chapter 1501:9.

4. Except as provided in paragraph 5 below, no later than May 1, 1994 appellant A & H, Inc. shall meet the registration requirements to obtain an owner number pursuant to R.C. Chapter 1509 by submitting the following the Division:

- a) Authority and Organization Form 9, and
- b) Certificate of Liability Insurance, and
- c) Request for Change of Owner Form 7 listing all oil and/or gas wells owned by A & H, Inc.

5. Appellant A & H, Inc. shall meet the bonding requirements of R.C. 1509.07 by submitting negotiable certificates of deposit issued by any bank organized or transacting business in the State of Ohio in the name of A & H, Inc. and assigned to the Division in the total amount of Fifteen Thousand Dollars (\$15,000.00). Said certificates of deposit shall be submitted to the attention of Tom Tugend at the ODNR, Division of Oil and Gas, Fountain Square, Bldg. B-3, Columbus, Ohio 43224, in five installments and according to the following schedule:

\$1875.00 no later than May 1, 1994;

\$1875.00 no later than August 1, 1994;

\$3750.00 no later than February 1, 1995;

\$3750.00 no later than August 1, 1995;

\$3750.00 no later than February 1, 1996.

In the event A & H, Inc. fails to meet any of the foregoing installment deadlines, then the full amount of bond required by R.C. 1509.07 and the rules promulgated thereunder shall become immediately due and owing.

6. A & H, Inc.'s failure to comply with any of the deadlines herein imposed shall constitute a breach of this entire agreement, giving the State the opportunity to seek appropriate relief. In the event of any default of the terms of this Consent Agreement, the Division may elect any and all remedies it deems appropriate. Further, in the event of default, A & H, Inc. agrees that in any litigation brought by the Division to enforce this agreement that venue shall be proper in the Franklin County Court of Common Pleas and service of process and summons thereof is hereby consented to.

7. Nothing in this Consent agreement shall be construed so as to prejudice the right of the Division to issue other orders and enforce the provisions of R.C. Chapter 1509 and Chapter 1501 of the Ohio Administrative Code.

8. Appeal No. 500 is dismissed with prejudice.

9. The parties state that they have read this Joint Motion for Consent Decision, understand its terms, have the ability to comply with its terms, and agree to comply fully.

Respectfully submitted,

LEE FISHER  
ATTORNEY GENERAL OF OHIO

Todd Heftel 4/27/94 By: Sandra H. Ramos 5/2/94  
TODD HEFTER, President Date  
A & H, Inc.  
P.O. Box 4269  
Clearwater, FL 34618

SANDRA H. RAMOS Date  
Assistant Attorney General  
Environmental Enforcement Sec.  
Division of Oil and Gas  
4383 Fountain Sq., Bldg. B-3  
Columbus, OH 43224  
(614) 265-6939  
Counsel for Appellee

APPROVED:

Richard J. Simmers  
RICHARD J. SIMMERS, Acting Chief  
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Clearwater, FL 34618